

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANASTASSIA KREZOUN,
aka "Sylvia Kass,"

Defendant.

No. 8:23-CR-00042-CJC

[PROPOSED] PROTECTIVE ORDER
REGARDING DISCOVERY CONTAINING
PERSONAL IDENTIFYING INFORMATION
AND PRIVACY ACT INFORMATION

The Court has read and considered the parties' Stipulation for a Protective Order Regarding Discovery Containing Personal Identifying Information and Privacy Act Information, filed by the government and defendant Anastassia Krezoub ("defendant") in this matter on May 5, 2023, which this Court incorporates by reference into this order, and FOR GOOD CAUSE SHOWN the Court hereby FINDS AND ORDERS as follows:

1. The government's discovery in this case relates to defendant's alleged crimes, that is, violations of 18 U.S.C. § 2261A(2)(B), 2261(b)(5) (Stalking) and 18 U.S.C. § 875(d) (Transmitting Interstate Communications with Intent to Extort).

1 2. A protective order for the discovery is necessary so that
2 the government can produce to the defense materials containing third
3 parties' PII. The Court finds that disclosure of this information
4 without limitation risks the privacy and security of the
5 information's legitimate owners. Because the government has an
6 ongoing obligation to protect third parties' PII, the government
7 cannot produce to defendant an unredacted set of discovery
8 containing this information without this Court entering the
9 Protective Order. Moreover, PII makes up a significant part of the
10 discovery in this case and such information itself, in many
11 instances, has evidentiary value. If the government were to attempt
12 to redact all this information in strict compliance with Federal
13 Rule of Criminal Procedure 49.1, the Central District of
14 California's Local Rules regarding redaction, and the Privacy Policy
15 of the United States Judicial Conference, the defense would receive
16 a set of discovery that would be highly confusing and difficult to
17 understand, and it would be challenging for defense counsel to
18 adequately evaluate the case, provide advice to defendant, or
19 prepare for trial.

20 3. An order is also necessary because the government intends
21 to produce to the defense materials that may contain information
22 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act
23 Information"). The Court finds that, to the extent that these
24 materials contain Privacy Act information, disclosure is authorized
25 pursuant to 5 U.S.C. § 552a(b)(11).

26 4. The purpose of the Protective Order is to (a) allow the
27 government to comply with its discovery obligations while protecting
28 this sensitive information from unauthorized dissemination, and

1 (b) provide the defense with sufficient information to adequately
2 represent defendant.

3 5. Accordingly, the discovery that the government will
4 provide to defense counsel in the above-captioned case will be
5 subject to this Protective Order, as follows:

6 a. As used herein, "PII Materials" includes any
7 information that can be used to identify a person, including a name,
8 address, date of birth, Social Security number, driver's license
9 number, telephone number, account number, email address, or personal
10 identification number.

11 b. "Confidential Information" refers to any document or
12 information containing PII Materials that the government produces to
13 the defense pursuant to this Protective Order and any copies
14 thereof.

15 c. "Defense Team" includes (1) defendant's counsel of
16 record ("defense counsel"); (2) other attorneys at defense counsel's
17 office who may be consulted regarding case strategy in this case;
18 (3) defense investigators who are assisting defense counsel with
19 this case; (4) retained experts or potential experts; and
20 (5) paralegals, legal assistants, and other support staff to defense
21 counsel who are providing assistance on this case. The Defense Team
22 does not include defendant, defendant's family members, or any other
23 associates of defendant.

24 d. The government is authorized to provide defense
25 counsel with Confidential Information marked with the following
26 legend: "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE
27 ORDER." The government may put that legend on the digital medium
28 (such as DVD or hard drive) or simply label a digital folder on the

1 digital medium to cover the content of that digital folder. The
2 government may also redact any PII contained in the production of
3 Confidential Information.

4 e. If defendant objects to a designation that material
5 contains Confidential Information, the parties shall meet and
6 confer. If the parties cannot reach an agreement regarding
7 defendant's objection, defendant may apply to this Court to have the
8 designation removed.

9 f. Defendant and the Defense Team shall use the
10 Confidential Information solely to prepare for any pretrial motions,
11 plea negotiations, trial, and sentencing hearing in this case, as
12 well as any appellate and post-conviction proceedings.

13 g. The Defense Team shall not permit anyone other than
14 the Defense Team to have possession of Confidential Information,
15 including defendant, while outside the presence of the Defense Team.

16 h. At no time, under no circumstance, will any
17 Confidential Information be left in the possession, custody, or
18 control of defendant, regardless of defendant's custody status.

19 i. Defendant may review PII Materials only in the
20 presence of a member of the Defense Team, who shall ensure that
21 defendant is never left alone with any PII Materials. At the
22 conclusion of any meeting with defendant at which defendant is
23 permitted to view PII Materials, defendant must return any PII
24 Materials to the Defense Team, and the member of the Defense Team
25 present shall take all such materials with him or her. Defendant
26 may not take any PII Materials out of the room in which defendant is
27 meeting with the Defense Team.

1 j. Defendant may see and review Confidential Information
2 as permitted by this Protective Order, but defendant may not copy,
3 keep, maintain, or otherwise possess any Confidential Information in
4 this case at any time. Defendant also may not write down or
5 memorialize any data or information contained in the Confidential
6 Information.

7 k. The Defense Team may review Confidential Information
8 with a witness or potential witness in this case, including
9 defendant. A member of the Defense Team must be present if PII
10 Materials are being shown to a witness or potential witness. Before
11 being shown any portion of Confidential Information, however, any
12 witness or potential witness must be informed of, and agree orally
13 to be bound by, the requirements of the Protective Order. Defense
14 Team will maintain a log memorializing that such notice was provided
15 to the witness and that the witness agreed verbally to be bound by
16 the terms and conditions of this Protective Order. No member of the
17 Defense Team shall permit a witness or potential witness to retain
18 Confidential Information or any notes generated from Confidential
19 Information.

20 l. The Defense Team shall maintain Confidential
21 Information safely and securely, and shall exercise reasonable care
22 in ensuring the confidentiality of those materials by (1) not
23 permitting anyone other than members of the Defense Team, defendant,
24 witnesses, and potential witnesses, as restricted above, to see
25 Confidential Information; (2) not divulging to anyone other than
26 members of the Defense Team, defendant, witnesses, and potential
27 witnesses, the contents of Confidential Information; and (3) not
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1 permitting Confidential Information to be outside the Defense Team's
2 offices, homes, vehicles, or personal presence.

3 m. To the extent that defendant, the Defense Team,
4 witnesses, or potential witnesses create notes that contain, in
5 whole or in part, Confidential Information, or to the extent that
6 copies are made for authorized use by members of the Defense Team,
7 such notes, copies, or reproductions become Confidential Information
8 subject to the Protective Order and must be handled in accordance
9 with the terms of the Protective Order.

10 n. The Defense Team shall use Confidential Information
11 only for the litigation of this matter and for no other purpose.
12 Litigation of this matter includes any appeal filed by defendant and
13 any motion filed by defendant pursuant to 28 U.S.C. § 2255. In the
14 event that a party needs to file Confidential Information with the
15 Court or divulge the contents of Confidential Information in court
16 filings, the filing should be made under seal. If the Court rejects
17 the request to file such information under seal, the party seeking
18 to file such information publicly shall provide advance written
19 notice to the other party to afford such party an opportunity to
20 object or otherwise respond to such intention. If the other party
21 does not object to the proposed filing, the party seeking to file
22 such information shall redact any PII Materials and make all
23 reasonable attempts to limit the divulging of PII Materials.

24 o. Any Confidential Information inadvertently produced
25 in the course of discovery prior to entry of the Protective Order
26 shall be subject to the terms of this Protective Order. If
27 Confidential Information was inadvertently produced prior to entry
28 of the Protective Order without being marked "CONFIDENTIAL

1 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government
2 shall reproduce the material with the correct designation and notify
3 defense counsel of the error. The Defense Team shall take immediate
4 steps to destroy the unmarked material, including any copies.

5 p. Confidential Information shall not be used by any
6 member of the defense team, in any way, in any other matter, absent
7 an order by this Court. All materials designated subject to the
8 Protective Order maintained in the Defense Team's files shall remain
9 subject to the Protective Order unless and until such order is
10 modified by this Court. Within 30 days of the conclusion of
11 appellate and post-conviction proceedings, defense counsel shall
12 return all PII Materials, certify that such materials have been
13 destroyed, or certify that such materials are being kept pursuant to
14 the California Business and Professions Code and the California
15 Rules of Professional Conduct.

16 q. In the event that there is a substitution of counsel
17 prior to when such documents must be returned, new defense counsel
18 must be informed of, and agree in writing to be bound by, the
19 requirements of the Protective Order before defense counsel
20 transfers any Confidential Information to the new defense counsel.
21 New defense counsel's written agreement to be bound by the terms of
22 the Protective Order must be returned to the Assistant U.S. Attorney
23 assigned to the case. New defense counsel then will become the
24 Defense Team's custodian of materials designated subject to the
25 Protective Order and shall then become responsible, upon the
26 conclusion of appellate and post-conviction proceedings,
27 for returning to the government, certifying the destruction of, or
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1 retaining pursuant to the California Business and Professions Code
2 and the California Rules of Professional Conduct all PII Materials.

3 r. Defense counsel shall advise defendant and all
4 members of the Defense Team of their obligations under the
5 Protective Order and ensure their agreement to follow the Protective
6 Order, prior to providing defendant and members of the Defense Team
7 with access to any materials subject to the Protective Order.

8 IT IS SO ORDERED.

9
10 _____
DATE

THE HONORABLE CORMAC J. CARNEY
UNITED STATES DISTRICT JUDGE

11 Presented by:

12 _____
/s/

13 ANDREW M. ROACH
14 Assistant United States Attorney